

S/N 10/798,149
Reply to Office Action of October 6, 2006

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REMARKS

Favorable reconsideration of this application is requested. Claim 1 has been amended editorially, as supported for example at page 11, lines 7-8 of the specification.

Claims 1-13 were rejected as obvious over Soda (JP 2004-022454) or Kurematsu (JP 10-106513). Applicants respectfully traverse this rejection.

Soda merely teaches a battery case made of a multilayer laminate that includes a resin 31 and a metal layer 32 that can be foil or vapor-deposited metal. A protective resin layer 33 is provided to prevent corrosion of the metal layer. Nothing in the reference suggests that the laminate is used only for part of the battery case, nor that a portion where a material other than the indicated laminate is present should be formed of a material without metal.

As noted in the previous response, comparative sample 2 of the present specification includes a resin case whose surface was coated with an evaporated aluminum layer. This is similar to that suggested by Soda. Table 1 shows that comparative sample 2 showed an undesirable increase in discharge reserve over time and thus deteriorated upon storage. In contrast, the samples according to the present invention showed stability. Nothing in Soda suggests that such an effect could be achieved. Therefore, the invention of claim 1 is not suggested by Soda.

Kurematsu is directed to a lead acid battery, as recognized in the rejection. Contrary to the assertion in the rejection, the "nickel metal hydride" requirement in claim 1 cannot be disregarded as part of the preamble, as this reflects the very character of the product. In any event, the issue is moot in view of the revision of claim 1 to require the presence of a positive electrode plate comprising nickel hydroxide. As nothing in the present record suggests the relevance of the lead acid battery of the reference to the present nickel metal hydride storage batteries, the reference does not render the invention of claim 1 obvious.

Moreover, even if Kurematsu were relevant to nickel metal hydride storage batteries, the rejection's interpretation of Kurematsu is flawed. The reference discusses the provision of metal reinforcement for the sidewalls of the battery case, but nowhere does the reference specifically indicate that metal is absent from other portions of the case. Even if it can be assumed that metal is not provided in some portions of the Kurematsu battery case, there is no reasonable basis to

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assume that the portion without metal would account for at least 10% of the battery case as required by claim 1 (the first, metal-containing, portion in claim 1 accounts for no more than 90% in claim 1).

In view of the above, Applicant respectfully requests that a timely Notice of Allowance be issued on this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

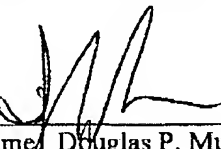
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PATENT TRADEMARK OFFICE

Respectfully submitted,

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